

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRAIG CROWELL,

Defendant.

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CASE NO. 8:08CR46

**MEMORANDUM
AND ORDER**

This matter is before the Court on a Report and Recommendation (Filing No. 33) of a Magistrate Judge recommending that I accept the Defendant's plea of guilty. There are no objections to the Report and Recommendation. Pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 11.2(d), the Court has conducted a de novo review of the record.

Although the plea agreement states that the Defendant pleaded guilty to Counts I and III of the Indictment, the Court notes that the Defendant pleaded guilty to Counts I and II of the Information.

Also, the Defendant faces a term of imprisonment of 5 to 20 years as stated correctly in the plea agreement. He was incorrectly advised at the change of plea hearing that the maximum term of imprisonment is 25 years. (Tr., at 10.)

IT IS ORDERED:

1. The Report and Recommendation (Filing No. 33) is adopted;
2. The Defendant is found guilty. The plea is accepted. The Court finds that the plea of guilty is knowing, intelligent, voluntary, and that a factual basis exists for the plea;
3. I defer acceptance of the plea agreement until the time of sentencing pursuant to Federal Rule of Criminal Procedure 11(c)(3). Unless otherwise

stated at the time of sentencing, the plea agreement will be deemed accepted upon the pronouncement of the judgment and sentence; and

4. This case shall proceed to sentencing.

DATED this 14th day of July, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge